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10/671,136

09/25/2003

Flint R. George

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06/01/2005

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EXAMINER

HOUSE, LETORIA G

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/671,136

Applicant(s)

GEORGE, FLINT R.

Examiner

Letoria House

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/20/04 &amp; 11/3/03</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers, Jr. et al. (U.S. 6,880,637).

With regard to claim 1, Myers, Jr. et al. discloses a method comprising the steps of: actuating at least one perforating gun while the perforating gun is secured to a tubular string in the well; and retrieving the perforating gun from the well through the tubular string. Note column 2, lines 55-61.

With regard to claim 2, the reference teaches the method further comprising the steps of securing the perforating gun to the tubular string; and then positioning the tubular string in the well. Note column 2, lines 55-61.

With regard to claim 3, the reference teaches the method wherein the positioning step further comprises positioning the tubular string within casing lining a wellbore of the well. Note column 2, lines 55-61.

With regard to claim 4, the reference teaches the method wherein the actuating step further comprises firing the perforating gun. Note column 2, lines 55-61.

With regard to claim 5, the reference teaches the method wherein the actuating step further comprises firing the perforating gun (24). Note column 2, lines 55-61.

With regard to claim 6, the reference teaches the method further comprising the step of releasably securing the perforating gun (24) to the tubular string (10) using a release assembly (21) interconnected with the tubular string (10). Note figure 2 and 3; and column 2, lines 55-61.

With regard to claim 7, the reference teaches the method wherein the retrieving step further comprises providing a minimum internal restriction of the release assembly (21) at least as great as a minimum internal restriction of a remainder of the tubular string (10). Note figures 1-3, items 10, 21.

With regard to claim 8, the reference teaches the method further comprising the steps of interconnecting the release assembly (21) in the tubular string (10) so that the release assembly (21) is above a packer (15) on the tubular string (10) with the tubular string (10) is positioned in the well. Note figures 1-3, items 10, 15, 21; column 2, lines 55-61.

With regard to claim 9, the reference teaches the method further comprising the step of interconnecting the release assembly (21) in the tubular string (10) so that the release assembly (21) is below a packer (15) on the tubular string (10) when the tubular string (10) is positioned in the well. Note figures 1-3, items 10, 15, 21; column 2, lines 55-61.

With regard to claim 10, the reference teaches the method wherein the retrieving step further comprises engaging a profile of the release assembly (21)

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with a retrieval tool (17) conveyed through the tubular string. Note figures 1-3, items 10, 15, 17, 21; column 2, lines 55-61.

With regard to claim 11, the reference teaches a release assembly (21) interconnected in a tubular string (10); at least one perforating gun (24) releasably secured to the tubular string (10) by the release assembly (21) while the tubular string is conveyed into the well (Note figures 1-3, items 10, 15, 21; column 2, lines 55-61); and the release assembly (21) permitting the perforating gun (24) to be retrieved from the well through the tubular string (10), and permitting the perforating gun to be separated from the tubular string in the well. Note figures 1-3, items 10, 15, 21; column 2, lines 55-61.

With regard to claim 12, the reference teaches the system wherein the release assembly (21) has a minimum internal restriction which is at least as great as a minimum internal restriction of a remainder of the tubular string (10) when the perforating gun (24) is retrieved from the well. Note figures 1-3, items 10, 15, 21; column 2, lines 55-61.

With regard to claim 13, the reference teaches the system wherein the release assembly (21) has a minimum internal restriction which is at least as great as a minimum internal restriction of a remainder of the tubular string (10) when the perforating gun (24) is separated from the tubular string in the well. Note figures 1-3, items 10, 15, 21; column 2, lines 55-61.

With regard to claim 14, the reference teaches the system wherein the tubular string (10) is positioned within casing lining a wellbore of the well. Note figure 1.

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With regard to claim 15, the reference teaches the system wherein the release assembly (21) is positioned above a packer (15) in the well. Note column 2, lines 55-61.

With regard to claim 16, the reference teaches the system wherein the release assembly (21) is positioned below a packer (15) in the well. Note column 2, lines 55-6; figure 1.

With regard to claim 17, the reference teaches the system wherein the release assembly (21) includes a profile formed therein, and further comprising a tool (17) engaged with the profile to cause the perforating gun (21) to be released from the tubular string (10). Note figures 1-3, items 10, 15, 17, 21; column 2, lines 55-61.

With regard to claim 18, the reference teaches a release assembly comprising: an outer housing (30) having upper and lower connections for interconnecting the housing to the tubular string (10); an inner housing (20) having a lower connection for interconnecting the perforating gun (24) to the inner housing; and a mandrel (40) which is displaceable between a secured position in which the inner and outer housings are secured relative to each other, and a released position in which relative displacement is permitted between the inner and outer housings. Note Figures 1-3, and 8; and column 6, lines 16-39.

With regard to claim 19, the reference teaches the release assembly (21) wherein the inner housing (20) lower connection is positioned radially inward relative to the outer housing (30) lower connection. Note figure 2.

With regard to claim 20, the reference teaches the release assembly (21) wherein the inner housing (20) lower connection is positioned radially inward relative to the outer housing (30) upper connection. Note figure 2.

With regard to claim 21, the reference teaches the release assembly wherein the inner housing (20) is displaceable through the outer housing (30) lower connection. Note figure 2.

With regard to claim 22, the reference teaches the release assembly wherein the inner housing (20) is displaceable through the outer housing (30) upper connection. Note figure 2.

With regard to claim 23, the reference teaches the release assembly wherein the inner housing (20) has a maximum outer dimension which is less than the minimum internal restriction of the outer housing (30). Note figure 2.

With regard to claim 24, the reference teaches the release assembly wherein the inner housing (20) lower connection is positioned within the tubular string when the release assembly (21) is interconnected in the tubular string (10). Note figure 2; and column 2, lines 55-61.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references disclose perforating tool release mechanisms Burleson et al. (U.S. 5,529,127), Hromas et al. (U.S. 5,293,940 and U.S. 6,098,716), Mills et al. (U.S. 5,513,703).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Letoria House whose telephone number is (571) 272-8118. The examiner can normally be reached on M-F, 7:00 A.M. - 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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